



UNITED STATES PATENT AND TRADEMARK OFFICE

28

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,727	07/09/2003	Mark A. Reiley	9448.17205-CIP DIV	1799

21971 7590 09/12/2006

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

ISABELLA, DAVID J

ART UNIT	PAPER NUMBER
----------	--------------

3738

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

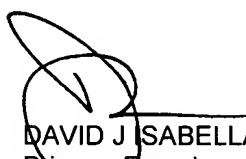
20060823

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached correspondence.


DAVID J. ISABELLA
Primary Examiner
Art Unit: 3738

Status of the Claims

Applicant's response of 9/13/2004 to the restriction mailed 8/14/2004 grouped claims readable on the elected invention/species.

In response to the Requirement for Species Election, applicant elects, without traverse the species of Figure 25. Applicant believes that the following claims are readable upon this species: 1, 6, 7; 10, 11,13, 14, 34 to 50, 54 to 55,58-74.

Upon further review of the claims in support for the potential interference, Examiner discovered that claims 44-50,54,55,58-61 are not in fact readable on the elected species illustrated in Figure 25. As supported by the specification on page 23, the elected embodiment is attached to the lamina and therefor does not support the language in claims 44-50,54,55,58-61.

In a preferred embodiment (see FIGS. 24 and 25) of a prosthesis for hemiarthroplasty with wide decompressive laminectomy, the hemi-lamina/facet prosthesis 700 comprises at least one base member 705. The base member 25 705 may further comprise a pedicle attachment hole 725 through which a pedicle screw 720, or a nail, anchor, break-away anchor, bolt, or any other fastening means, may be installed to help secure the hemi-lamina/facet prosthesis 700 to the inferior pedicle. In the preferred 30 embodiment, the base member 705 may also have at least one lamina attachment hole, with two lamina attachment holes 741 and 742 pictured in FIG. 22, to further secure the hemi-lamina/facet prosthesis 700 to the remaining laminal bone with screws, nails, anchors, break-away 35 anchors, bolts, or any other fastening means. Parts of

Art Unit: 3738

Claims 8,9,12,32,33,51-53,56,57,62-74 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Claims 44-50,54,55,58-61 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Claims 2-5,15-31 have been cancelled. Claims 1,6,7,10,11,13,14,34-43, were previously pending and directed to the elected species of Figure 25. Accordingly, applicant should restate these claims and withdraw all claims not directed to the elected Figure 25.

The reply filed on 6/17/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See explanation in the Status of the Claims *supra*.. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

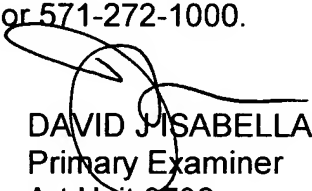
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone

Art Unit: 3738

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DAVID J. ISABELLA
Primary Examiner
Art Unit 3738

DJI
8/23/2006